



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,324	08/10/2001	Hidekazu Kobayashi	110371	4772

25944 7590 06/02/2003

OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

EXAMINER

ZIMMERMAN, GLENN

ART UNIT PAPER NUMBER

2879

DATE MAILED: 06/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/925,324

Applicant(s)

KOBAYASHI, HIDEKAZU

Examiner

Glenn Zimmerman

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on April 3, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 1-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Group II in Paper No. 10 is acknowledged. The traversal is on the ground(s) that the search and examination could be made without serious burden MPEP 803. This is not found persuasive, because any one of the following conditions, which are separate statutory classifications of invention, separate status in the art when they are classifiable together and different fields of search, are indicia of an undue burden. In this instance the condition of separate statutory classifications of invention has been met. See MPEP 803(B) and 808.02.

The requirement is still deemed proper and is therefore made FINAL.

Response to Amendment

Amendment, filed on April 3, 2003, has been entered and acknowledged by the examiner.

The substitute specification, filed on 12/26/01, has been entered and acknowledged by the examiner.

Drawings

The drawings are objected to because of Figure 4. Regarding figure 4, the specification states that reference 204 is the earpiece and reference 206 is the mouthpiece. Respectfully, all the cell phones I've ever seen have the earpiece near the

Art Unit: 2879

antennae at the top and the mouthpiece at the fold-out part. The examiner suggests changing reference 204 in the drawing to reference 206 and changing reference 206 to 204. Also there is wording in a foreign language in figure 5, the examiner suggests deleting that wording and either replacing it with the English language equivalent or just leaving it deleted. Also for each of the figures given, there is located at the figure number foreign language writing. The examiner suggests removing that foreign language writing. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 6-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 6 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the light-emitting layer is formed so as to cover at least the first electrode layer and the second

Art Unit: 2879

terminal. Another omitted essential structural cooperative relationship of elements is that the at least a first electrode layer, a light-emitting layer, and a second electrode layer provided in that order on a substrate. Another omitted essential structural cooperative relationship of elements is that the second terminal is on the substrate. Another omitted essential structural cooperative relationship of elements is that the light-emitting layer is organic. Another omitted essential structural cooperative relationship of elements is that the conductive material penetrates the light-emitting layer.

Claim 6 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 6 line 8 and claim 7 line 10, the use of the terminology "coupled" has inconsistency between the claim and disclosure. The use of the term "coupled" would open interpretation of the claims up to capacitive coupling, which is clearly not what the specification communicates.

Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: The light-emitting layer is an organic light-emitting layer. Another omitted essential structural cooperative relationship is that the first electrode layer and the second terminal are formed on a substrate.

Art Unit: 2879

Claim 11 recites the limitation "the conductive layer" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

A 112 2nd paragraph rejection has been determined for claim 6, as written about above. However, a further evaluation of the claim will be done while interpreting "provided;" in line 6 as "provided; the light-emitting layer is formed so as to cover at least the first electrode layer and the second terminal;".

A 112 2nd paragraph rejection has been determined for claim 6, as written about above. However, a further evaluation of the claim will be done while interpreting "a layer" in line 8 as "the layer".

A 112 2nd paragraph rejection has been determined for claim 6, as written about above. However, a further evaluation of the claim will be done while interpreting "coupled" in line 8 as "connected".

A 112 2nd paragraph rejection has been determined for claim 6, as written about above. However, a further evaluation of the claim will be done while interpreting "above" in line 3 as "on".

A 112 2nd paragraph rejection has been determined for claim 6, as written about above. However, a further evaluation of the claim will be done while interpreting "above" in line 5 as "on".

A 112 2nd paragraph rejection has been determined for claim 6, as written about above. However, a further evaluation of the claim will be done while interpreting "a light-emitting layer" in line 2 as "an organic light-emitting layer".

Art Unit: 2879

A 112 2nd paragraph rejection has been determined for claim 7, as written about above. However, a further evaluation of the claim will be done while interpreting "coupled" in line 10 as "connected".

A 112 2nd paragraph rejection has been determined for claim 7, as written about above. However, a further evaluation of the claim will be done while interpreting "provided;" in line 8 as "provided; the light-emitting layer is formed so as to cover at least the first electrode layer and the second terminal;".

A 112 2nd paragraph rejection has been determined for claim 7, as written about above. However, a further evaluation of the claim will be done while interpreting "a layer" in line 10 as "the layer".

A 112 2nd paragraph rejection has been determined for claim 7, as written about above. However, a further evaluation of the claim will be done while interpreting "above" in line 5 as "on".

A 112 2nd paragraph rejection has been determined for claim 7, as written about above. However, a further evaluation of the claim will be done while interpreting "above" in line 7 as "on".

A 112 2nd paragraph rejection has been determined for claim 7, as written about above. However, a further evaluation of the claim will be done while interpreting "a light-emitting layer" in line 4 as "an organic light-emitting layer".

A 112 2nd paragraph rejection has been determined for claim 8, as written about above. However, a further evaluation of the claim will be done while interpreting "a light-emitting layer" in line 4 as "an organic light-emitting layer".

Art Unit: 2879

A 112 2nd paragraph rejection has been determined for claim 8, as written about above. However, a further evaluation of the claim will be done while interpreting "and" in line 7 as "and the first electrode layer and the second terminal are formed on a substrate;".

A 112 2nd paragraph rejection has been determined for claim 11, as written about above. However, a further evaluation of the claim will be done while interpreting "the conductive layer" in lines 2-3 as "the conductive material".

Claims 9-18 are rejected for depending from a rejected claim.

Allowable Subject Matter

Claims 6, 7 and 8 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Claims 9-18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 6, the following is an examiner's statement of reasons for allowance: The prior art of record neither shows nor suggests an organic EL device including the combination of all the limitations as set forth in claim 6, and specifically wherein the second terminal and the second electrode layer are electrically connected

Art Unit: 2879

with each other through a conductive material penetrating the layer provide therebetween could not be found elsewhere in prior art.

Regarding claim 7, the following is an examiner's statement of reasons for allowance: The prior art of record neither shows nor suggests an electronic apparatus including the combination of all the limitations as set forth in claim 7, and specifically wherein the second terminal and the second electrode layer are electrically connected with each other through a conductive material penetrating the layer provided therebetween. could not be found elsewhere in prior art.

Regarding claim 8, the following is an examiner's statement of reasons for allowance: The prior art of record neither shows nor suggests an organic EL device including the combination of all the limitations as set forth in claim 8, and specifically a light-emitting layer provided between the first and the second electrode, in which a through hole is provided; a conductive material filled in the through hole and electrically connecting the second electrode and the second terminal could not be found elsewhere in prior art.

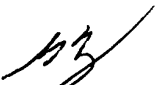
Regarding claims 9-18, claims 9-18 are allowed for the reasons given in claim 8, because of their dependency status on claim 8.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenn Zimmerman whose telephone number is (703) 308-8991. The examiner can normally be reached on M-F.

Art Unit: 2879

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (703) 305-4794. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7382 for regular communications and (703) 308-7382 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is n/a.



Glenn Zimmerman
May 27, 2003



ASHOK PATEL
PRIMARY EXAMINER